

---

**(2016) 11 JH CK 0083**  
**In the Jharkhand High Court**  
**Case No : W.P.(S) No. 3656 of 2015**

Shobha Rani

APPELLANT

Vs

State of Jharkhand

RESPONDENT

---

**Date of Decision :** 28-11-2016

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2017) 2 JBCJ 220 : (2017) 1 JLJR 17

**Hon'ble Judges :** Mr. Shree Chandrashekhar, J.

**Bench :** Single Bench

**Advocate :** Mr. Saibal Mitra and Mrs. Bandana Sinha, Advocates, for the Petitioners; Mr. Abhay Prakash, J.C. to AAG, for the Respondents

**Final Decision :** Dismissed

---

## Judgement

Mr. Shree Chandrashekhar, J.—The petitioners, who are working as ANM on contract basis, seeking regularisation in terms of Para Medical Employees (Nurses, Grade-A, ANM, Pharmacist, Lab. Technicians) Regular Appointment Rules, 2014 have approached this Court.

2. Heard.

3. At the outset, it needs to be recorded that an exercise for regularisation of employees in terms of 2014 Rules has not been undertaken. The petitioners' prayer seeking a direction upon the respondent-State to dispose of their representation dated 01.08.2015, is misconceived. In view of 2014 Rules, there was no occasion for the petitioners to seek a decision on their representations.

4. The petitioners, who were initially appointed on 15.11.2003 on the post of ANM under the Department of Health, Medical Education and Family Welfare on contract basis, continued till Reproductive Child Health (RCH) scheme of the Government of Jharkhand continued. Subsequently, they were appointed under centrally sponsored National Rural Health Mission (NRHM) which is also implemented by the State of Jharkhand. The learned counsel for the petitioners

contends that both the schemes are identical and implemented for the same purpose. Not only that, RCH scheme, in fact, was absorbed under the NRHM and while so, the petitioners who are working as ANM are entitled for regularisation in terms of 2014 Rules.

5. Para Medical Employees (Nurses, Grade-A, ANM, Pharmacist, Lab. Technicians) Regular Appointment Rules, 2014 has been framed for regularisation of para medicals working on contract basis under Department of Health, Medical Education and Family Welfare. The expression "para medicals" has been explained to mean Nurse Grade-A, ANM, Pharmacist, Lab Technicians etc. In the counter-affidavit, the respondent-State has, however, taken a stand that only those employees who were appointed in Reproductive Child Health scheme and who have completed 5 years" regular service working under the said scheme are eligible for regular appointment in terms of 2014 Rules. The distinction, which the Department has sought to make in case of the petitioners, is that the petitioners are not working under the Department of Health, Medical Education and Family Welfare. In my opinion also, merely because NRHM is implemented by the State Government, employees working on contract basis under the NRHM scheme cannot claim themselves employees working under the Department of Health, Medical Education and Family Welfare. The agreement executed by the Department or the appointment letters issued by the Department for engagement of ANMs under NRHM would not lead to an inference that the contractual employee, like the petitioners are working under the Department. As pointed out by the learned State counsel, Department is implementing the NRHM scheme and that is the reason it has executed agreements and issued appointment letters to the contractual employees.

6. Considering the aforesaid facts, I am of the opinion that the petitioners cannot seek a direction for regularisation in terms of 2014 Rules.

7. In the result, the writ petition is dismissed.